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के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 25th January, 1983/Magha 5, 1904 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL
BOARDS) AMENDMENT REGULATION, 1983

No. 1 of 1983

Promulgated by the President in the Thirty-third Year of the
Republic of India.

A Regulation further to amend the Andaman and Nicobar
Islands (Municipal Boards) Regulation, 1957.

In exercise of the powers conferred by article 240 of the Constitution,
the President is pleased to promulgate the following Regulation made by
him:—

1. (1) This Regulation may be called the Andaman and Nicobar Islands
(Municipal Boards) Amendment Regulation, 1983.

Short
title and
commen-
cement.

(2) It shall come into force on such date as the Chief Commissioner
may, by notification in the Official Gazette, appoint.

1 of 1957.

2. In section 2 of the Andaman and Nicobar Islands (Municipal
Boards) Regulation, 1957 (hereinafter referred to as the principal Regu-
lation),—

Amend-
ment of
section 2.

(i) after clause (3), the following clause shall be inserted,
namely:—

‘(3A) “Chairman” means the Chairman of the Board elected
under section 13;’

(ii) after clause (30), the following clause shall be inserted, namely:—

‘(30A) “Vice-Chairman” means a Vice-Chairman of the Board elected under section 14;’.

Amend-
ment of
section 8.

3. In section 8 of the principal Regulation, in sub-section (1),—

(a) in clause (a), the word “and”, occurring at the end of sub-clause (iii), shall be omitted;

(b) clause (b) shall be omitted;

(c) in the first proviso, the brackets and words “(including its Chairman)” shall be omitted; and

(d) in the second proviso, the brackets and words “(including the Chairman)” shall be omitted.

Amend-
ment of
section
10.

4. In section 10 of the principal Regulation, in sub-section (1), for the brackets and words “(other than the Chairman or a member nominated *ex officio*)”, the brackets and words “(other than a member nominated *ex officio*)” shall be substituted.

Substitu-
tion of
section
13.

5. For section 13 of the principal Regulation, the following section shall be substituted, namely:—

Election
of Chair-
man.

“13. (1) Every Board shall, at a special meeting called on a day fixed by the Chief Commissioner in this behalf, elect one of its members to be its Chairman.

(2) Such officer as may be specified in this behalf by the Chief Commissioner shall preside at such meeting but shall not have the right to vote.

(3) No business other than the election of the Chairman shall be transacted at such meeting.

(4) In the case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the officer presiding at such meeting.

(5) An elected Chairman shall, notwithstanding the expiry of his term of office as Chairman or member, continue in office until another Chairman is elected and takes over charge of his office.

(6) As soon as may be after the commencement of the Andaman and Nicobar Islands (Municipal Boards) Amendment Regulation, 1983, every Board shall elect under sub-section (1) one of its members to be the Chairman and, until the Chairman so elected by the Board takes over charge of his office, the Chairman of the Board holding office immediately before such commencement shall continue in office.”.

6. For the section 15 of the principal Regulation, the following section shall be substituted, namely:—

Substitution of section 15.

“15. (1) The term of office of a Chairman or a Vice-Chairman shall be one year from the date of his election as such or the residue of his term of office as a member, whichever is less.

Term of office of Chairman and Vice-Chairman.

(2) A person who holds or has held the office of Chairman or Vice-Chairman shall, if otherwise qualified, be eligible for being re-elected as such.”.

7. In section 16 of the principal Regulation,—

Amendment of section 16.

(a) in sub-section (1), the words “, not being a salaried servant of Government nominated under section 13,” shall be omitted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) A Chairman or Vice-Chairman may be removed from office by a resolution of the Board passed by a majority of not less than two-thirds of the total number of members for the time being holding office, at a special meeting convened in this behalf in the prescribed manner.”.

8. In section 31 of the principal Regulation, in sub-section (1), for the words “as a member”, the words “as Chairman, Vice-Chairman or as a member” shall be substituted.

Amendment of section 31.

9. In sub-section (2) of section 58 of the principal Regulation, the words “or, where the Deputy Commissioner is the *ex officio* Chairman of the Board, of the Chief Commissioner” shall be omitted.

Amendment of section 58.

ZAIL SINGH,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

**Defini-
tions.**

2. In this Act, unless the context otherwise requires,—

(a) “Code” means the Code of Criminal Procedure, 1973 in its application to the State of Assam; 2 of 1974

(b) “Executive Magistrate” means an Executive Magistrate in the State of Assam; and

(c) words and expressions used herein and not defined, but defined in the Code shall have the meanings respectively assigned to them in the Code.

**Confer-
ment of
temporary
powers on
Executive
Magis-
trates.**

3. (1) Notwithstanding anything to the contrary contained in the Code, the Executive Magistrates may, in addition to the Judicial Magistrates, exercise powers of remand under section 167 of the Code.

(2) Notwithstanding anything contained in the Code, the Executive Magistrates shall, to the exclusion of any other Magistrate, have power to take cognizance of, and try and dispose of cases relating to,—

(a) offences under the Indian Penal Code or any other law for the time being in force punishable with imprisonment which may extend to six months or with fine or with both; 45 of 1860.

(b) other offences, being offences punishable under Chapter VIII (offences against the public tranquillity), and Chapter X (Contempts of the lawful authority of public servants), of the Indian Penal Code: 45 of 1860.

Provided that no sentence of imprisonment for a term exceeding six months shall be passed by an Executive Magistrate in the case of any conviction for an offence referred to in clause (b).

(3) For the purposes of this section, the Code shall have effect subject to the modifications specified in the Schedule and subject to such other modifications as may be necessary.

(4) Nothing in this section shall apply to cases relating to offences taken cognizance of under the Code before the commencement of this Act.

THE SCHEDULE

[See section 3(3)]

MODIFICATIONS IN THE CODE

1. In section 167 of the Code,—

(a) in sub-section (1), the reference to “Judicial Magistrate” shall be construed as a reference also to Executive Magistrate;

(b) in sub-section (2),—

(i) for the word “Magistrate”, at the first two places where that word is preceded by the definite article, the words “Judicial Magistrate or the Executive Magistrate, as the case may be,” shall be substituted;

(ii) for the word "Magistrate", at the place where that word is preceded by the indefinite article "a", the words and brackets "Magistrate (whether Judicial or Executive)" shall be substituted;

(iii) paragraph (c) of the proviso shall be omitted;

(c) sub-section (2A) shall be omitted;

(d) in sub-section (4), for the words "to the Chief Judicial Magistrate", the words "where such Magistrate is a Judicial Magistrate, to the Chief Judicial Magistrate, and where such Magistrate is an Executive Magistrate, to the Sessions Judge" shall be substituted.

2. In section 190 of the Code, in sub-section (1), after the words "any Magistrate of the first class," the words "any Executive Magistrate," shall be inserted.

3. In section 191 of the Code, the reference to "Chief Judicial Magistrate" shall, in relation to an offence taken cognizance of by an Executive Magistrate, be construed as a reference to the District Magistrate.

4. In section 374 of the Code, in clause (a) of sub-section (3), for the words "Magistrate of the first class, or of the second class", the words "Magistrate of the first class, Executive Magistrate or a Magistrate of the second class," shall be substituted.

ZAIL SINGH,

President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

Reasons for the enactment

The agitation in Assam has put the law and order machinery as well as the machinery for the administration of Justice in the State under considerable strain. The agitationists have given a call for the further intensification of the agitation. The machinery for the administration of justice which is already under severe pressure of work may not be able to cope with the situation. For dealing effectively with the extraordinary circumstances prevailing in the State of Assam, it is considered necessary to amend the Code of Criminal Procedure, 1973 in its application to the State of Assam temporarily, for a period of three months, to entrust the trial of petty offences and offences having a bearing on peace and public tranquillity exclusively to the Executive Magistrates and to enable them to exercise the powers to grant remand concurrently with the Judicial Magistrates. The present measure seeks to achieve these objects.

2. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee of Parliament on Assam Legislation constituted under the proviso to sub-section (2) of section 3 of the Assam State Legislature (Delegation of Powers) Act, 1982. The measure is accordingly being enacted without reference to the Consultative Committee.

T. N. CHATURVEDI,
Secy. to the Govt. of India
(Ministry of Home Affairs).